

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

PAUL A. PALMER, JR.,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION
)	FILE NO. _____
CVS PHARMACY, INC.,)	
)	
Defendant.)	
)	
_____)	

DEFENDANT GEORGIA CVS PHARMACY, LLC’S
NOTICE OF REMOVAL

Pursuant to 28 U.S.C. Sections 1441 and 1446, Defendant Georgia CVS Pharmacy, LLC (improperly pled as “CVS Pharmacy, Inc.”), by and through its attorneys, submits this Notice of Removal to the United States District Court for the Northern District of Georgia, and state the following in support of this Notice of Removal:

1. On or about **April 23, 2019**, Paul A. Palmer Jr., commenced a civil action in the Superior Court of Gwinnett County, State of Georgia, Paul A. Palmer Jr., v. CVS Pharmacy, Inc., Civil Action Number: 19-A-03807-10.

2. The Complaint in this action was served on CVS Pharmacy, Inc. on June 12, 2019.

4. A true and correct copy of the Complaint and all process, pleadings, and orders served upon Defendant in this action is attached as **Exhibit A**.

5. The time for filing this Notice of Removal under 28 U.S.C. § 1446 has not yet expired.

6. Removal of this action is based upon 28 U.S.C. § 1441 in that this is a civil action brought in a state court of which the district courts have original jurisdiction under 28 U.S.C. § 1332.

7. There is complete diversity of citizenship between Plaintiff and Defendant in this action because: (a) Plaintiff is a citizen of the State of Georgia; and (b) Defendant Georgia CVS Pharmacy, LLC is a Georgia limited liability company with CVS Pharmacy, Inc. as its sole member. CVS Pharmacy, Inc. is a foreign corporation with its principal place of business in Rhode Island and incorporated in Rhode Island.

Because Georgia CVS Pharmacy, LLC is a limited liability company, it is considered “a citizen of any state of which a member of the company is a citizen.” Mallory & Evans Contrs. & Eng’rs, LLC v. Tuskegee Univ., 663 F.3d 1304, 1305 (11th Cir. 2011). See also, Rolling Greens MHP, L.P. v. Comcast SCH Holdings

L.L.C., 374 F.3d 1020, 1022 (11th Cir. 2004) (citing Cosgrove v. Bartolotta, 150 F.3d 729, 731 (7th Cir. 1998)) (“[W]e conclude that the citizenship of an LLC for purposes of the diversity jurisdiction is the citizenship of its members.”). As such, Georgia Pharmacy, LLC is considered a citizen of Rhode Island for purposes of diversity jurisdiction.

8. Based upon Plaintiff’s Complaint, which claims damages for past and future medical expenses, pain and suffering, and loss of consortium, Defendant has a good faith belief that the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

WHEREFORE, Defendant respectfully requests that the Court enter an Order removing Civil Action Number 19-A-03807-10. of the Superior Court of Gwinnett County, State of Georgia, to this Court for further proceedings and that this Court take jurisdiction herein and make such further orders as may be just and proper.

[SIGNATURE ON FOLLOWING PAGE]

THIS 12th day of July, 2019.

Respectfully submitted,

BENDIN SUMRALL & LADNER, LLC

By: /s/ Anam Justus

BRIAN D. TRULOCK

Georgia Bar Number 559510

ANAM JUSTUS

Georgia Bar Number 936538

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Counsel for Defendant

Georgia CVS Pharmacy, LLC

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Defendant.)	
)	
_____)	

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that the foregoing **DEFENDANT GEORGIA CVS PHARMACY, LLC'S NOTICE OF REMOVAL** was typed in Times New Roman, fourteen (14) point font with a top margin of 1.5 inches.

THIS 12th day of July, 2019.

[SIGNATURE ON FOLLOWING PAGE]

Respectfully submitted,

BENDIN SUMRALL & LADNER, LLC

By: /s/ Anam Justus

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Counsel for Defendant

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this date served a true and correct copy of the foregoing DEFENDANT GEORGIA CVS PHARMACY, LLC'S NOTICE OF REMOVAL upon all parties to this matter via U.S. First-Class Mail and by electronically filing a copy of same with the Clerk of Court using the CM/ECF filing system which will automatically send notice to the following:

Paul A. Palmer, Jr.
Pro se Plaintiff
6555 Sugarloaf Pkwy., Suite 307
Duluth, GA 30097

[SIGNATURE ON FOLLOWING PAGE]

THIS 12th day of July, 2019.

Respectfully submitted,

BENDIN SUMRALL & LADNER, LLC

By: /s/ Anam Justus

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Counsel for Defendant

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